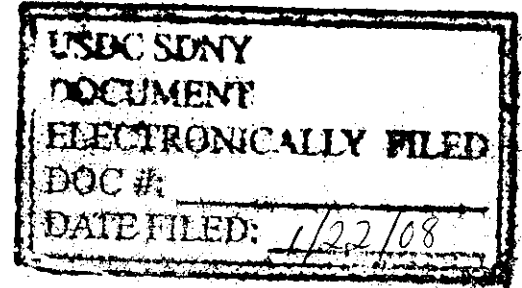


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- x

TRENT PATTERSON, :

Plaintiff, :

07 Civ. 8057 (LAP) (AJP)

-against- :

ORDER

COMMISSIONER OF CORRECTIONS, et al., :

Defendants. :

----- x

ANDREW J. PECK, United States Magistrate Judge:

By letter dated January 15, 2008 (copy attached), Patterson has (1) submitted a FOIL request directed to the Prisoners' Rights Project, (2) asked for the forms for requesting pro bono counsel, and (3) asked whether this case can be consolidated with his other case, 07 Civ. 7259 (RMB) (JCF).


1. As to item 1, "FOIL" only applies to governmental agencies, not to the Prisoners' Rights Project. Moreover, FOIL is a state procedure and is enforced via the state not federal courts. If plaintiff wishes to pursue discovery under the Federal Rules of Civil Procedure (Rules 26-37, 45), he should do so.

2. The forms are attached.

3. Defense counsel are to consult with their colleagues handling the 07 Civ. 7259 case and inform me, by January 28, 2008, whether defendants consent to the consolidation (for all purposes or for purposes of discovery) of the two cases.

SO ORDERED.

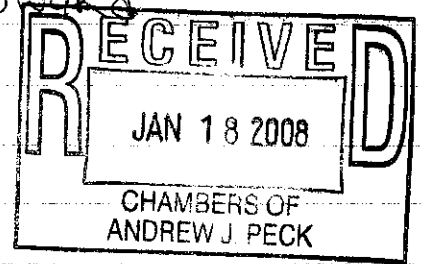
Dated: New York, New York
January 22, 2008



Andrew J. Peck
United States Magistrate Judge

Copies to: Trent Patterson a/k/a Michael Howard
Benjamin Stockman, Esq.
Michael Chestnov, Esq.
Magistrate Judge James C. Francis IV
Judge Loretta A. Preska

To: Judge Andrew J. Peck
 From: Trent Patterson AKA Michael Howard
 Date: 1/15/08
 Re: 07 CV 8057 (LAP) (AJP)



Dear Judge Peck

Enclosed please find a copy of the FO.I.L. Request I'm submitting to obtain copies of all my grievances, grievance appeals etc. I also would appreciate it if the court could send me an application to request an attorney be assigned to my case pro bono. I also have another pending civil matter 07 CV 7259 (Rmb) (SCF) which is the direct root of the matter before your court. If there is anyway the cases can be consolidated please let me know on or before our scheduled conference on 2/19/08. Your understanding and assistance will be highly appreciated. Thank you.

cc. Judge Andrew J. Peck
 Trent Patterson
 File

Respectfully yours
 Trent Patterson
 AKA Michael Howard
 Trent Patterson
 AKA Michael Howard

SWORN TO BEFORE ME THIS

15 DAY OF Jan, 2008

NOTARY PUBLIC

NY 5
 Chemung Co 01KR5065233
 Exp 9-9-10

FREEDOM OF INFORMATION REQUEST

To: Dale Wilker (Director)
Prisoners Rights Project
199 Water Street
New York, New York 10038

Date 1/15 2008

From: Trent Patterson 97A7563
AKA Michael Howard
Elmira Correctional Facility
P.O. Box 500

Elmira, New York 14902-0500

Dear Sir or Madam:

This is a request for information under the Freedom Of Information Law, Pursuant to the Public Officer Law, Article 6, Section 84-90/ and the Personal Protection Privacy Law; Article 6-A Section 91-99/ Open Meeting Law, Article 7, Section 100-111/ and the U.S.C.A. 552.

I wish to obtain the following information and records:

A copy of all grievances, grievance appeals, complaints and
records I sent to your office to legal assistant Felicia Lin
~~from 3-10-07 through 10-16-07.~~

If any and/or all of my request is denied, please list the exemptions. If you determine that some portion of this request is exempt, I will expect, as the Act provides, that you will provide me with the remaining **Non-Exempt** portions or materials. I, of course reserve the right to appeal any determination to withhold any/all information and expect that you will provide me with the address and office where my appeal may be forwarded.

As your agency should be cognizant, the Amended Freedom Of Information Act requires that you shall reduce or waive, search and/or copying fees when the release of the required information is in the Public interest. It is my belief that the above requested information falls into this category. In addition, the Act requires that you reply within five (5) days of my request being received. In the event that my request is denied please provide me with the name and address to whom I am to forward my appeal to and to the attention of.

Thank you for your time and anticipated cooperation in this matter.

Respectfully,

Trent Patterson

15 Day of Jan., 2008

Ann Krutner

NOTARY NYS

Chemung CO 01KR5065233
Exp 9-9-10



199 WATER STREET NEW YORK, N.Y. 10038 TEL: 212-577-3530 FAX: 212-509-8433 www.legal-aid.org

Theodore A. Levine
President

Steven Banks
Attorney-in-Chief

John Boston
Project Director
Prisoners' Rights Project

June 12, 2007

Michael Howard
349-07-04815
GRVC
09-09 Hazen Street
East Elmhurst, NY 11370

Dear Mr. Howard:

Thank you for writing the Prisoners' Rights Project. While generally we are not able to take individual cases, I am interested in learning more about the use of force (the spraying of OC in your face) that occurred at AMKC.

Specifically, I am interested in learning:

- When did the use of force occur?
- What were the circumstances surrounding the use of force (i.e. did the officer involved say anything to you? Did you say anything to the officer?)
- How many officers were involved? Who were they?
- Were there any witnesses to the use of force?
- Did you receive any medical treatment?
- Did you sustain any lasting injuries? What were they?

You can either reply to my questions by mail or by calling me collect at 212-577-3530.

Sincerely,

FELICIA LIN
Legal Assistant

DEAR WARDEN SHAW

5/22/07

Yesterday the grievance office
rejected the attached grievance
I filed concerning two incidents
that occurred in A.M.K.C. The
grievance office stated that
because I had a ticket for
the incident, I am hereby
appealing the decision made
by the grievance office
here at G.R.V.C on 5/21/07
to not accept my grievance.
Your assistance will be
highly appreciated. THANK YOU

VERY TRULY YOURS,
MICHAEL HOWARD

349-07-04815

DEAR C.O.R.C

Yesterday 5/21/07 THE grievance office at G.R.V.C rejected the attached grievance stating THAT BECAUSE I received an infraction for the latter incident mentioned in the grievance that I couldn't file a grievance, I am hereby appealing the decision of the grievance office made ON 5/21/07 TO YOUR OFFICE FOR RELIEF, and the mentioned compensation.

THANK YOU
Respectfully YORS
MICHAEL HOWARD
349-07-04815

ELMIRA CORRECTIONAL FACILITY

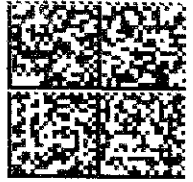
P.O. BOX 500

ELMIRA, NEW YORK 14902-0500

NAME: Trent Patterson

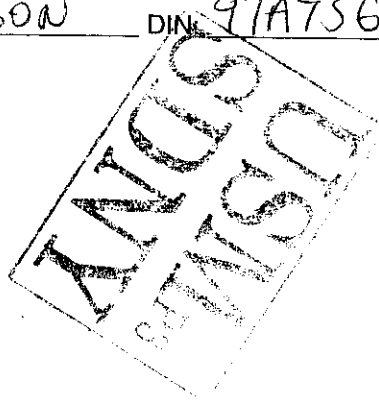
DIN: 97A7563

ELMIRA CORRECTIONAL
FACILITY



newpost

LEGAL
MAIL



ANDREW J. PECK
UNITED STATES MAGISTRATE JV
UNITED STATES COURTHOUSE
500 PEARL STREET
NEW YORK, NEW YORK 10007



1000721316 0014

